

Kenneth B. Wilson, Calif. Bar No. 130009
KWilson@perkinscoie.com
PERKINS COIE LLP
Four Embarcadero Center, Suite 2400
San Francisco, CA 94111-4131
Telephone: 415.344.7000
Facsimile: 415.344.7050

Attorneys for Defendant
SIMMONS BEDDING COMPANY
and Defendant and Counterclaimant DREAMWELL, LTD.

Darien K. Wallace, Calif. Bar No. 139798
T. Lester Wallace, Calif. Bar No. 159967
IMPERIUM PATENT WORKS
P.O. Box 587
Sunol, CA 94586
Telephone: 925.862.9972
Facsimile: 925.835.5804

Attorneys for Plaintiff and Counterdefendant
ZINUS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ZINUS, INC. a California Corporation,

Plaintiff,

v.

SIMMONS BEDDING COMPANY, a
Delaware corporation, and DREAMWELL,
LTD., a limited liability company of
Nevada,

Defendants.

Case No. 07-CV-03012-PVT

**STIPULATION AND PROPOSED ORDER
CONTINUING DEADLINE TO FILE JOINT
CLAIM CONSTRUCTION AND
PREHEARING STATEMENT**

AND RELATED COUNTERCLAIMS

WHEREAS on December 12, 2007, the Court issued a Case Management Conference
Order in which it set a deadline of April 11, 2008 for plaintiff and counterclaim defendant Zinus,
Inc. ("Zinus"), defendant and counterclaimant Dreamwell, Ltd. ("Dreamwell") and defendant

1 Simmons Bedding Company (“Simmons”) to file their Joint Claim Construction and Prehearing
2 Statement; and

3 WHEREAS the parties have been discussing a potential settlement of this action, and
4 appear to be within a day or two of finalizing an agreement; and

5 WHEREAS the parties would like to be able to focus their attention on finalizing the
6 settlement, which would avoid the need for them to file their Joint Claim Construction and
7 Prehearing Statement;

8 THEREFORE, pursuant to Local Rule 6, it is hereby stipulated between Zinus and
9 Defendants, by and through their respective counsel and subject to the Court’s approval, that the
10 deadline for filing the Joint Claim Construction and Prehearing Statement may be continued by
11 one week, from April 11, 2008 to April 18, 2008. All other dates in the case would remain
12 unchanged.

13
14 Dated: April 10, 2008

15 **PERKINS COIE LLP**

16 By _____/s/_____
17 Kenneth B. Wilson

18 Attorneys for Defendant
19 SIMMONS BEDDING COMPANY
20 and Defendant and Counterclaimant DREAMWELL,
21 LTD.

22
23 Dated: April 10, 2008

24 **IMPERIUM PATENT WORKS**

25 By _____/s/_____
26 Darien K. Wallace

27 Attorneys for Plaintiff and Counterdefendant
28 ZINUS, INC.

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Darien K. Wallace, hereby attest that concurrence in the filing of this document has been obtained from the other signatory.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 10, 2008 in Pleasanton, California.

/s/
Darien K. Wallace

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: April __, 2008

The Honorable Patricia V. Trumbull
United States Magistrate Judge